

Department of Public Health  
and Human Services

Section:  
RESOURCES

FOOD STAMP PROGRAM

Subject:  
Ownership/Accessibility/Equity Value

**Supersedes:** FS 401-1 (11/01/01)

**References:** 7 CFR 273.8; Waiver Terms and Conditions

GENERAL RULE -- A resource is real or personal property with monetary value. Resources include but are not limited to cash, savings, investments, house, land, vehicles, etc. The filing unit's resources are evaluated for ownership, accessibility, and equity value.

## OWNERSHIP

Ownership of a resource is determined by the:

1. Name(s) on the account, title, deed, contract, etc.;
2. Source(s) of the funds in the account;
3. Purpose the account/investment was opened; and,
4. Activity of the account/investment.

If the title, deed, contract, account, etc., has only one name listed, the resource belongs to that individual. If more than one name is listed, it is a jointly-owned resource.

## JOINTLY-OWNED RESOURCES

Resources owned jointly with someone outside the FS filing unit must be evaluated to determine accessibility to the household.

**NOTE:** Always code joint resources owned with someone outside the home or with a filing unit member whose participation code is 'DP' against the 'IN' participant on FS SEPA screen. This assures the resources are counted correctly.

Consider 100% of the resource available to the household **unless** the:

1. Household can demonstrate it only has access to a portion of the resource. The value of the portion available to the household is counted as a resource.

Jointly-owned liquid resources (e.g., bank accounts, CDS, etc.) are fully accessible until all filing unit members' names are removed or access to the resource is restricted. A resource is inaccessible to a household member if access is

restricted by an agreement between the joint-owners. See **Example 3** on page 5 in this section;

**NOTE:** When a household member removes their name from an *accessible* jointly-owned liquid resource, the action must be evaluated for a possible transfer of resources disqualification (FS 404-1).

2. Resource cannot be practically subdivided and the household's access to the resource is dependent on the agreement of a joint-owner who refuses to comply; or,
3. Resources are jointly-owned by a household residing in a shelter for battered adults and children and the member(s) of the former household and access to the value of the resources are dependent on the agreement of the joint-owner still residing in the former household.

## ACCESSIBILITY

Resources other than vehicles are accessible when the household member is not restricted from accessing the resources regardless of who deposited the funds.

### Accessibility Examples:

**Example 1:** Beth has access to her mother's savings account. Both names appear on the account title (jointly-owned). Her mother does not live with her. Beth claims she has never deposited any of her own money in the account nor has she used the monies for her own benefit. Collateral evidence (bank statements, etc.) substantiates her claim.

The full account value is considered accessible unless Beth's name is removed or the account is restricted (see **Example 3** on page 5).

**Example 2:** Mary owns a house with her estranged husband. Both names are on the deed. She does not live in the house; he lives in the house.

If legal proceedings began, the house is an inaccessible resource to Mary; code 'IA' on OTAS.

If legal proceedings have not begun, the value of the house is a countable resource to Mary. However, a

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written statement from her spouse can be used to determine if the house is inaccessible to her.

**Example 3:** Sandy owns land (real property) with her brother. She does not live on the land.

The value of the land is a countable resource. If Sandy's brother provides a written statement he is unwilling to sell the land, it is considered inaccessible to Sandy.

### **DISPUTED ACCESSIBILITY**

Accessibility of the resource must be evaluated when the resource is jointly-owned or the household rebuts ownership and/or accessibility. Verification such as bank statements, agreements, deeds, titles, or other collateral statements of ownership and/or accessibility is required. The household member's statement alone is not sufficient verification.

### **INACCESSIBLE RESOURCES**

A resource is considered inaccessible if the sale or disposition are not likely to produce any significant return. When determining whether the resource is likely to produce a significant return, consider the ownership interest, the cost of selling, and the market value. A resource is identified inaccessible if its sale or other disposition is unlikely to produce any significant amount of funds for the support of the household; code 'IA' on OTAS.

**NOTE:** This provision does not apply to stocks, bonds and other negotiable financial instruments.

**Significant Return** is any return estimated to be more than \$1,500 after estimated costs of sale or disposition and taking into account the ownership interest of the household.

**Significant Amount** is funds amounting to more than \$1,500.

**NOTE:** Verification of inaccessibility or value of the resource is not required unless the information provided is questionable.

### **Accessible/Inaccessible Resources Examples:**

**Example 1:** When an individual's name is listed on the account **only** as a signatory (e.g., POA, trust conservator, non-profit organization volunteer, etc.) and not on the title of the account as a joint-owner, the resource is excluded. Verification must be obtained from the bank when questionable.

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**Example 2:** A joint account can be excluded if the account requires two signatures to withdraw funds and the non-household member writes a statement indicating they will not allow withdrawal for personal use by the FS household member. If funds are withdrawn later for the FS household, the funds are income (contribution).

**Example 3:** Mom has an account with a \$10,000 balance of only her funds. Her daughter's name is on the account for survivor purposes. The account can be inaccessible to the daughter if she and mom have an agreement she will not access the account (is considered restricted) except upon her mom's death.

**EQUITY VALUE**

Subtract the amount owed from the fair market value of the resource to determine equity value. Only the equity value of an accessible resource is counted toward the resource limit, and is the amount entered on TEAMS. The full value is only entered when all liens or debts against the resource are paid in full.

**TREATMENT  
OF EXCLUDED  
RESOURCES**

Excluded funds kept in a separate account retain the resource exclusion as long as they remain in a separate account.

**COMMINGLING  
OF EXCLUDED &  
NON-EXCLUDED  
FUNDS**

Excluded funds commingled with non-excluded funds retain their exemption for six months from the date they are commingled (deposited). After six months from the date of commingling, all funds in the account are counted as a resource.

**FUNDS  
PRORATED  
AS INCOME**

Only self-employment and educational funds prorated as income retain their exclusion for the time they were prorated as income even if the funds are commingled.

**Example:** A farmer sells his crops in August for \$12,000. The proceeds are intended to support his family for a year. Prorate the \$12,000 as income, \$1,000 per month. The \$12,000 (even if commingled) is excluded as a resource for the one year period.

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